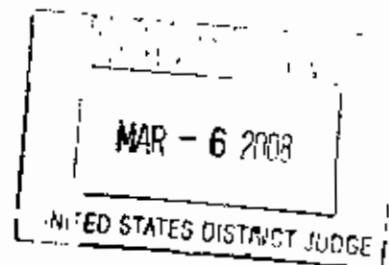


OFFICE OF THE ATTORNEY GENERAL



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL



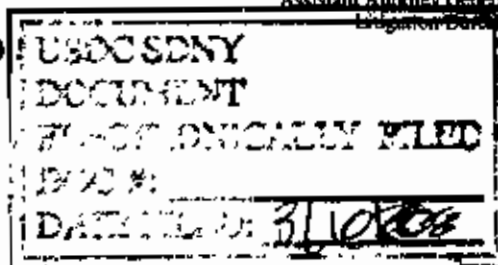
ANDREW M. CUOMO  
Attorney General

LESLEY G. LEACH  
Deputy Attorney General  
State Counsel Division

March 5, 2008

JUNE DUFFY  
Assistant Attorney General in Charge  
Litigation Bureau

(212) 416-8550



**By Hand Delivery**

Hon. Naomi Reice Buchwald  
United States District Court  
500 Pearl Street  
New York, New York 10007-1312

**Re: Choice Scott v. Brian Fischer; Glenn Goord, et al. (07 CV 11303) (NRB)**

Dear Judge Buchwald:

This Office represents defendants - employees or former employees of the Department of Correctional Services ("DOCS") in the above action. To date, we have received requests for representation from two of four named defendants, and are in the process of determining whether service has been effected on the other two named defendants. On defendants' behalf, we respectfully request until May 1, 2008, to answer, move or otherwise respond to the complaint. Plaintiff's counsel has graciously consented to this extension of time.

The time requested not only will afford defendants an opportunity to assess the complaint, but it will also afford all parties to the action, and the Court itself, the benefit of what this Office believes are imminent rulings from the New York State Court of Appeals defendants believe are likely to be dispositive of the issues arising out of post-release supervision imposed (defendants believe) automatically by the State criminal sentencing courts. Several similar actions to be argued before the Court of Appeals on March 12, 2008 are expected to be decided by May 2008. Because the defenses in this action rely on Judge Kaye's previous rulings on the subject, defendants believe it prudent to await the decisions. Plaintiff's counsel does not agree that the Court of Appeals will bear upon the federal issues, but is willing to afford defendants time to evaluate defenses.

Respectfully submitted,

Michael J. Keane  
Assistant Attorney General

cc: Robert T. Perry, Esq. / 350 Broadway / Suite 1207 / New York, NY 10013 / 212-219-9410